

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF IMMIGRATION JUDGE
Headquarters Immigration Court (HQIC) Fact Sheet

Mission

To provide fair and efficient immigration hearings through video-teleconferencing (VTC) at established hearing locations throughout the United States.

General Principles

VTC hearings are held in immigration courts throughout the United States pursuant to congressional mandate at 8 U.S.C. 1229a(b)(2)(A)(iii), section 240(b)(2)(A)(iii) of the Immigration and Nationality Act. Congress made no distinction between an in-person hearing and a hearing conducted by VTC, including no requirement for consent of the participants to conduct a VTC hearing.

Hearings conducted by VTC will be fundamentally fair and will fully protect the participants' right to procedural due process.

VTC provides real-time transmission of audio and video between two or more locations and permits individuals to see, hear, and speak with each other as though they are at the same location.

VTC does not change adjudicative quality or change decisional outcomes.

VTC provides individuals with the same access to the hearing record as if appearing at a non-VTC hearing. There is a means of transmitting and receiving additional evidence between all locations and all participants. No proceedings will be videotaped. No videotaped records will be maintained.

A technical assistant from EOIR's Information Resources Management (IRM) section is available to assist with VTC operations.

The audio/video transmission is secure and the participants' privacy is protected.

Public access to VTC hearings will be governed by the provisions of 8 CFR 1003.27 in the same manner as on site, in-person hearings.

Key Personnel

The Assistant Chief Immigration Judge (ACIJ) with supervisory responsibility for the HQIC is Judge Michael C. McGoings.

The HQIC Coordinator (Acting) is Linda Sullivan.

The VTC Technician assigned to the project by IRM is Sorin Bucsa [(703) 305-4560].

Back-up support will be provided by Chief Clerk Anthony Padden, Deputy Chief Clerk Mark Pasierb, and Language Services Unit (LSU) Chief Martin Roldan, and their respective staffs in the Office of the Chief Immigration Judge (OCIJ).

Location and Address

The street address for HQIC is: 5107 Leesburg Pike, Suite 1905, Falls Church, VA 22041.

The mailing address for HQIC is the same.

The main telephone number for HQIC is: (703) 305 - 0273.

Start-Up

Judges Chuck Adkins-Blanch and David Neal will be ready to assume duties at HQIC on Monday, July 19, 2004.

Jurisdiction and Venue

HQIC will not accept the filing of charging documents. Charging documents will be filed at the base city court.

Jurisdiction vests, and proceedings commence, when the charging document is filed in the base city court. *See* 8 C.F.R. 1003.14.

Venue will lie with the base city court or hearing location within the administrative control of that base city court.

Records of Proceedings (ROP's)

ROP's will be created by the field base city court.

ROP's will be held at HQIC for 90 days after the conclusion of proceedings for purposes of dealing with appeals or motions to reopen or reconsider.

ROP's will be returned to the field base city for file retirement purposes. This will ensure that all ROP's from each field base city are retired together.

Scheduling of Hearings and Movement of ROP's

The HQIC judge is to be considered as part of the field base city court. In other words, the HQIC judge is deemed to be located in the field base city court, but simply in a satellite location.

The field base city will receive the case, open the case in the computer, schedule the first hearing to be conducted by the HQIC, create the ROP, send the hearing notice, and then forward the file to HQIC.

All administrative operations will remain the responsibility of the base city office, including the scheduling of hearings, the updating of ANSIR, production and service of notices and orders, etc. Updating of the ROP will be handled by HQIC.

Hearing notices will have to account for time zone differences (if any) between HQIC and the base city court.

During the time that a case is docketed with an HQIC judge, all motions, applications, and other filings will continue to be made to the base city court. They will be entered into the computer, and then sent to the HQIC. At the conclusion of the proceedings the HQIC judges will instruct the parties that post-hearing filings will also be made to the base city court.

Access to ROP's

Parties will have access to ROP's, either at HQIC or the base city court. If the case is pending, and up to 90 days after proceedings are concluded, the ROP will be located at HQIC. During that time, if the request is to review the ROP at the base city court, the contents will be transmitted by facsimile, or the ROP itself will be sent by FedEx to the base city court, depending on the size of the file and/or whether hearing tapes were requested for review. This determination is the responsibility of the HQIC Coordinator and the base city Court Administrator. If the request to review the ROP is made 90 days or later after the conclusion of proceedings, the request shall be directed to the base city court; however, if the case is on appeal, HQIC will contact the requestor with instructions to contact the Board of Immigration Appeals (BIA).

At the conclusion of proceedings, HQIC will retain the file for 90 days to determine if an appeal, or a motion to reopen or reconsider, is filed. If an appeal is filed, then HQIC staff will prepare the ROP for forwarding to the BIA. If a motion to reopen or reconsider is filed, the judge who heard the matter will adjudicate the motion. After disposing of the motion, or if no appeal or motion is filed, HQIC staff will send the ROP via FedEx Express Saver (4:30 p.m. delivery third business day) to the base city court for retirement purposes.